

56. (New) The method of claim 55, wherein the label is a fluorescent label.

57. (New) The method of claim 48, wherein the polynucleotide is immobilized on a solid surface.

58. (New) The method of claim 48, wherein the detection step comprises contacting the sample with a biochip, wherein the biochip comprises the nucleic acid sequence disclosed in SEQ ID NO:23.

REMARKS

With this amendment, claims 48-58 are pending in the present application. Claims 1-5, 9, 15, and 35-47 are canceled without prejudice to subsequent revival. New claims 48-58 are added. Appendix A shows all claims currently under examination.

The added claims are directed to the invention elected in the response to the Restriction Requirement mailed August 26, 2001, namely the invention comprising Group VI.

Status of the claims

New claim 48 has been added. This claims adds no new subject matter. Support can be found, e.g., in the claims as filed and in the specification on page 20, line 18 to page 22, line 6.

New claim 49 has been added. This claims adds no new subject matter. Support can be found, e.g., in the claims as filed and in the specification on page 20, line 18 to page 22, line 6.

New claim 50 has been added. This claims adds no new subject matter. Support can be found, e.g., in the claims as filed.

New claim 51 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed.

New claim 52 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed and in the specification on page 42, lines 9-24.

New claim 53 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed and in the specification on page 42, lines 9-24.

New claim 54 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed.

New claim 55 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed and in the specification on page 29, line 22 to page 30, line 4.

New claim 56 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed and in the specification on page 29, line 22 to page 30, line 4.

New claim 57 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed and in the specification on page 24, lines 11-23.

New claim 58 has been added. This claims adds no new subject matter.
Support can be found, e.g., in the claims as filed and in the specification on page 23, line 12-30.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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APPENDIX A
PENDING CLAIMS SUBJECT TO EXAMINATION

48. (New) A method of diagnosing breast cancer in a patient, the method comprising:
- (i) obtaining a biological sample from a patient
 - (ii) detecting the level of a polynucleotide encoding a BCH1 polypeptide in the sample, wherein the polynucleotide is at least 75% identical to the nucleic acid sequence disclosed in SEQ ID NO:23..
49. (New) The method of claim 48, wherein the polynucleotide is at least 95% identical to SEQ ID NO:23.
50. (New) The method of claim 48, wherein the sample is a tissue sample.
51. (New) The method of claim 50, wherein the tissue sample is breast tissue.
52. (New) The method of claim 48, wherein the sample comprises isolated nucleic acids.
53. (New) The method of claim 52, wherein the nucleic acids are mRNA.
54. (New) The method of claim 48, wherein the polynucleotide is SEQ ID NO:23.

55. (New) The method of claim 48, wherein the polynucleotide is labeled.

56. (New) The method of claim 55, wherein the label is a fluorescent label.

57. (New) The method of claim 48, wherein the polynucleotide is immobilized on a solid surface.

58. (New) The method of claim 48, wherein the detection step comprises contacting the sample with a biochip, wherein the biochip comprises the nucleic acid sequence disclosed in SEQ ID NO:23.